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REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2133

PATENT
1248-0559P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tomonobu TOMARU et al. Conf.: 7768
Appl. No.: 09/974,799 Group: 2133
Filed: October 12, 2001 Examiner: J. Torres
For: COMMUNICATIONS METHOD, COMMUNICATIONS APPARATUS
AND COMMUNICATIONS SYSTEM USING SAME
COMMUNICATIONS APPARATUS

LETTER REQUESTING WITHDRAWAL OF NOTICE OF
NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 6, 2005

Sir:

This is in response to the Notice of Non-Compliant
Amendment dated April 28, 2005. Applicants request
reconsideration and withdrawal of the Notice.

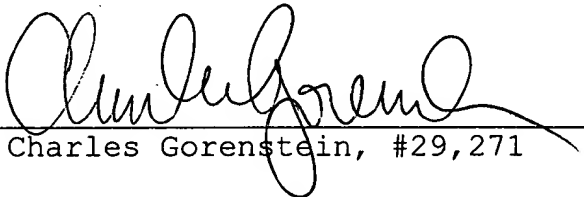
The Notice states that claims 48 and 49 should be canceled
and cites M.P.E.P. §821.01. That section of the M.P.E.P.
pertains to cancellation of claims drawn to a non-elected
invention in the case that the restriction requirement has been
traversed and subsequently made final by the Examiner.

However, claims 48 and 49 have been elected without traverse and currently stand withdrawn. Applicants respectfully request that claims 48 and 49 at least be maintained as withdrawn. Cancellation of claims 48 and 49 can be made in the case that the application is otherwise in condition for allowance.

Applicants earnestly solicit reconsideration and allowance of the present application.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
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